

DRAFT - Proposed Cost Recovery Model – Low Flat Fee

1. The juvenile dependency petition sent to parents includes a prominent notice informing them that they may be charged for the cost of legal representation (WIC 903.1, Rule 1407[a], Rule 1407[d]).
2. At the time of appointment, the attorney provides the parent with a financial declaration that the parent must fill out to determine eligibility for services.
 - a. The attorney forwards the declaration to the “fee review officer” (new part-time position funded by AOC).
 - b. The fee review officer forwards a copy of the declaration to the court, where it is put, under seal, in the case file.
 - c. The fee review officer performs a prima facie review of the declaration to confirm the parent’s initial eligibility for appointed counsel, and retains the declaration for further review after the disposition hearing.
 - If parent is deemed ineligible for appointed counsel, the fee review officer notifies the court of parent’s ineligibility for appointed counsel, and refers parent to Lawyer Referral Service to obtain an attorney.
3. After the disposition hearing, attorney fees are assessed.
 - a. If the case is dismissed at disposition, the court may waive attorney fees.
 - b. For any other disposition, a flat fee of \$100 is assessed via court order.
 - c. The parent may dispute the fee assessment at the disposition hearing.
 - If the parent disputes the fee, the judge reviews the financial declaration and makes a determination as to whether the fee should be assessed.
 - d. If the parent does not request a fee hearing, s/he must sign a waiver to that effect.
4. If a fee is assessed, the court forwards an order assessing fees to the fee review officer, who reviews the previously completed financial declaration to determine the parent’s ability to pay.
 - a. The fee review officer may contact the parent and require him/her to provide verification of the financial information provided in the financial declaration.
 - b. If the parent is eligible for a category 1 or 2 civil fee waiver, no fee is collected and the fee is waived. The fee review officer notifies the court of the waiver.
 - c. If the parent is not eligible for a category 1 or category 2 civil fee waiver, the fee is not waived.
5. The parent may make payment directly to the fiscal department of the court.
6. The fee review officer tracks payments received by the court, and follows up with parent regarding delinquent payment.
7. If the parent does not make timely payment, the fee review officer sends a notice of the court order to the designated collection agency.